

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 23, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JANE DOE,

Plaintiff,

No. 4:23-CV-05166-SAB

v.

T-MOBILE USA, INC. and
WIRELESS VISION, LLC,
Defendants.

**ORDER DENYING MOTION TO STAY
DISCOVERY; DENYING MOTION TO
DISMISS; GRANTING LEAVE TO
FILE AMENDED COMPLAINT**

Before the Court are Defendants' Motion to Dismiss, ECF No. 22, and Motion to Stay Discovery, ECF No. 23. The motions were heard without oral argument. Defendant T-Mobile USA, Inc. is represented by Caroline Morgan and Sean Russel. Defendant Wireless Vision LLC is represented by Kristin Nealey Meier, Perie Reiko Koyama and Sean Russel. Plaintiff is represented by Carrie Goldberg, Edward Redmond, Emma Aubrey, and Laura Hecht-Felella.

1. Defendants' Motion to Dismiss

Defendants filed a 40-page Joint Motion to Dismiss. ECF No. 23. Initially, Defendants are instructed to consult Local Civil Rule 7(f) for page limitations. Briefing that does not conform to the Local Rules will be stricken. In their Motion, Defendants argue Plaintiff has not alleged sufficient facts to state a claim upon which relief may be granted. It is the Court's practice to deny initial motions to dismiss with leave to renew and grant Plaintiff leave to file an Amended Complaint.

**ORDER DENYING MOTION TO DISMISS; MOTION TO STAY
DISCOVERY ~ 1**

1 to cure any deficiencies alleged by Defendants. *See* Fed. R. Civ. P. 15 (Courts
2 should freely give leave to amend when justice so requires).

3 **2. Defendants' Motion to Stay Discovery**

4 Defendants ask the Court to stay discovery pending a ruling on Defendants'
5 12(b)(6) motion. Plaintiff opposes any stay on discovery.

6 Defendants' Motion is premature. Currently, the parties are not under any
7 discovery obligations. The Court has not set a scheduling conference and has not
8 ordered that the parties conduct their Rule 26(f) conference. *See* Fed.R.Civ.P.
9 26(a)(C). Under the Court does so, the parties are not obligated to provide any
10 discovery.

11 Accordingly, **IT IS HEREBY ORDERED:**

12 1. Defendants' Motion to Dismiss, ECF No. 22, is **DENIED**, with leave
13 to renew.

14 2. Within **14 days** from the date of this Order, Plaintiff is granted leave
15 to file an Amended Complaint, or file a response to Defendants' motion. If
16 Plaintiff files a response to the motion, Defendants shall file their reply by the
17 deadline set forth in the Local Rules.

18 3. Defendants' Motion to Stay Discovery, ECF No. 23, is **DENIED**.

19 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
20 file this Order and provide copies to counsel.

21 **DATED** this 23rd day of January 2024.



25 Stanley A. Bastian

26
27 Stanley A. Bastian
28 Chief United States District Judge